

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

TQP DEVELOPMENT, LLC,	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION NO.
v.	§	2:08-CV-471 TJW
	§	
MERRILL LYNCH & CO., INC., et al.,	§	
	§	
Defendants.	§	

**STIPULATED MOTION FOR DISMISSAL WITHOUT PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff TQP Development, LLC (“TQP”) and Defendants International Bancshares Corporation, IBC Subsidiary Corporation, and International Bank of Commerce, Laredo, Texas (sued as International Bank of Commerce) hereby move for an order dismissing TQP’s claims in this action against Defendants International Bancshares Corporation, IBC Subsidiary Corporation, and International Bank of Commerce, Laredo, Texas (improperly sued as International Bank of Commerce) (collectively, “IBC Defendants”) without prejudice, subject to the representations made by the IBC Defendants in that affidavit dated April 30, 2009, with each party to bear its own costs, expenses, and attorneys’ fees. TQP has not previously dismissed any federal- or state-court action based on or including the same claim against the IBC Defendants.

Dated: May 8, 2009

Respectfully submitted,

**IBC DEFENDANTS**

**TQP DEVELOPMENT, LLC**

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) on this 8<sup>th</sup> day of May, 2009. As such, this motion was served on all counsel who have consented to electronic service. Any other counsel of record will be served by first class mail on this same date.

/s/ C. David Kinder  
C. David Kinder